

REMARKS

In response to the aforementioned Office Letter, the claims in the application were rejected either on the basis of the Hopkins 5 U.S. patent No. 6,193,114 or the Prassas et al. patent No. 5,257,826. Although the applicant believes that the claims as submitted distinguished over these references, as well as any other cited prior art, the applicant has nevertheless amended these claims in order to more fully bring out unique features in the 10 application.

Prior to discussing the cited references in detail, the applicant notes that the Examiner has cited several prior art references showing either T-shaped configurations or a cross configuration somewhat similar to that claimed and shown in the 15 instant application. Although the Examiner has relied upon such constructions, it is important to note that one of the salient features of this invention is the fact that water is removed from the site of a sprinkler head and diverted under pressure to a location remote from the site of the sprinkler head. That is not 20 even suggested by any of the art cited by the Examiner.

Turning first to the cited prior art, the Examiner cites the Hopkins patent No. 6,193,114, which is a hygienic tooth paste dispenser. At the very outset, Hopkins must be non-analogous prior art. When considering all of the prior art available in the

plumbing fields, and even in the sprinkler-head fields, when the Examiner has to resort to a reference dealing with a toothpaste dispenser, it becomes apparent on its fact that this reference must be non-analogous art. As a result, it is believed that Hopkins 5 should be withdrawn as a prior art reference.

Even if Hopkins is relevant prior art, which is not believed to be the case, the purpose of the device in Hopkins is to dispense a viscous material so that a large number of people can obtain toothpaste from the same container. The only relationship is that 10 the device in Hopkins and the applicant's device have the shape of a cross. That is not the basis in which to formulate a rejection of the claims.

The various arms in the dispenser of Hopkins are allocated to different individuals. In fact, Hopkins even suggests a color 15 coding for the use of those arms. In essence, all of the arms would be used, but at different times. In contrast, the device of the instant application may only have two threaded arms with each designed to fit a different sized plastic nozzle. There are no caps which are used such as shown in Hopkins. Indeed, the entire 20 purpose of the device in the instant application would be aborted if one attempted to cap the ends of the arms.

Two emerging points show the vast difference between Hopkins and the structure claimed in the instant application. The first of these points is that Hopkins is dealing with a highly viscous fluid

(even if it could be referred to as a fluid), and the second is that Hopkins is not diverting any substance away from a site of use. It is also important to note that the Hopkins device is a hygienic dispenser and it is not a tool which will be carried 5 around at a site of use.

In contrast, the attachment of the instant application is clearly a tool and will be used only at a site of use. With regard to the Prassas patent, the fitting shown therein is admittedly more closely related to gardening products or tools of the type taught 10 in the instant application. However, Prassas only shows a conventional T fitting and there is no intention whatsoever for diverting water or any other substance away from a site of use to a location remote from that site of use.

In contrast, the device of the instant application is a tool. 15 It has no other purposes. Moreover, the uses are short term, as is the case with most tools. In cases where it is used, it is only momentarily used to divert the water away and after that is thrown back into a truck or a tool box. It could not even be considered to be a fitting in even the remote sense of the word. The entire 20 content of the Prassas patent makes it clear that the invention is for use in irrigation systems. However, the device in the instant application is never threaded directly onto a pipe or a tubing. It only has a limited ability to be threaded onto a pipe with the assist of additional fittings. The intent of the device in the

instant application is to connect same to a water supply line to drain that line of any debris.

Another one of the major aspects of the present invention is the fact that the device of the instant application can be used to 5 retrieve the pop-up stem of a pop-up sprinkler head after the stem has snapped back into the housing.

The claims in the application have been amended to recite that the attachment to the water sprinkler head directs the water from the first arm under pressure in a water stream along with any 10 debris carried in that water stream. The device also calls for the second arm redirecting the stream of water under pressure along with any debris carried therein. In contrast to Hopkins first, there is no stream of water in Hopkins. Secondly, the material is not carried in a first direction and then a second direction along 15 with debris for removal of debris. The claims in the instant application just do not read on Hopkins and it is urged that it would be impossible to make these claims read on Hopkins.

As the Examiner is well aware, the mere fact that the object in the Hopkins patent and the device in the instant application 20 have a similar outer appearance is not meaningful. That fact has nothing to do with the patentability of the structure in the instant application. Consequently, it is believed that the claims in this application patentably distinguish over the prior art and reconsideration thereof is respectfully solicited.

Claims 10 et seq. also have been amended to recite that the attachment receives water under pressure and normally dispenses the water over a ground area in order to flush not only the water, but any debris which may have collected. In examining Hopkins, it is 5 obvious that Hopkins is designed for a totally different purpose. Consequently it is urged that Hopkins is not relevant prior art, and even if relevant, does not respond to the claims of the instant application. It is worth pointing out that the Examiner has had to bootstrap the use of the Hopkins reference.

10 The Examiner states with reference to Claim 1, that Hopkins discloses a spraying attachment. There is nothing in the four corners of Hopkins which discusses an ability to spray anything. Hopkins is a simple dispensing device. Secondly, and in contrast to a statement of the Examiner, Hopkins has no capability of 15 flushing water. With regard to the Examiner's statement that the second arm of Hopkins can redirect water, it is to be noted that Hopkins has no capability for redirecting water or any other substance and Hopkins never discusses water in the entire contents of his application.

20 The Examiner also argues that Hopkins has an outwardly extending third arm capable of being engaged . . . to facilitate connection. That statement is erroneous in that Hopkins has no arms which are used to connect to anything other than caps. The Examiner has also had to bootstrap Hopkins by using the terms

"fluid" or "water", when, in fact, Hopkins is only used for a highly viscous material and which has no intention whatsoever of removing debris.

As indicated, Claims 10-15 also deal with the attachment and 5 have been amended to recite the flushing of water and debris from the pipe. Moreover, the claims are specifically directed to the capability of redirecting water normally passing through the sprinkler head to a remote site. In each of the prior art references cited by the Examiner, that major fact is missing. 10 Thus, it is believed that the claims in this application do patentably distinguish over the cited prior art.

Claims 16 et seq. are even more remote in that they call for an attachment to the sprinkler head body or riser and which precludes normal use of the sprinkler head when attached. Again, 15 there is nothing in Prassas or Hopkins which precludes the normal use of the device to which it is attached.

The applicant has focused heavily upon the fact that one of the major aspects of the invention is to redirect flushing water away from a site of use. Another one of the important aspects is 20 for the engaging and holding of a pop-up stem of a spray-type sprinkler head. It is to be noted that the prior art is absolutely silent on this point and therefore does not respond to Claims 19

et seq. Allowance of these claims is also therefore respectfully solicited.

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